

RESTRICTIONS

Under 35 U.S.C. 121, the Examiner has required a restriction to one of the following inventions:

- I. Claims 1-15, drawn to a moisture sensor, and
- II. Claims 16-17, drawn to a method of providing a moisture sensor to be inserted into the soil of a plant.

Because the product as claimed can be used in a materially different process of using that product, the Applicant agrees that the inventions are distinct. The Applicant hereby restricts the application to Invention I and withdraws Claims 16-17.

ELECTIONS

Under 35 U.S.C. 121, the Examiner has required an election to one of the following species:

1. Figure 1,
2. Figure 2, and
3. Figure 3.

As stated in the application, Figure 3 is a schematic drawing of the series involved in the preferred method of supplying the moisture sensors of the preferred embodiment. Since Figure 3 was intended to support Claims 16-17 (and these claims have been withdrawn), the Applicant agrees that Figure 3 is a patentably distinct species of the claimed invention.

The Applicant strongly disagrees, however, that Figure 1 and Figure 2 are patentably distinct species of the claimed invention. As stated in the application, Figure 2 is a side view of the shaft housing, base housing, and shaft tip of the moisture sensor of the preferred embodiment. Figure 2 was intended to support the shaft housing 30 (of Claims 6 and 12), the shaft tip 44 (of Claim 7), the base housing 32 (of Claim 11), and the connector 40 (of Claims 13 and 14). These elements could have been drawn in Figure 1, but were included in a separate drawing for clarity. In other words, Figure 1 and Figure 2 show the “inside” and the “outside”

of the same preferred embodiment.

If the Examiner does not find these arguments persuasive, the Applicant hereby elects the species shown in Figure 1.

CONCLUSION

In view of the preceding amendments and remarks, the Applicant respectfully submits that the specification and drawings are in order and that all of the claims are now in condition for allowance. If the Examiner believes that personal contact would be advantageous to the disposition of this case, the Applicant respectfully requests that the Examiner contacts the Attorney of the Applicant at the earliest convenience of the Examiner.

Respectfully submitted,

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